

materials; however, donations of items not on the list may be accepted at the discretion of the fire chief;

- (2) Tangible property must be new; and
- (3) Except for manufacturer's labels or seals, tangible property must be free from noticeable corporate identifying logos, marks, or advertisements.

(d) The donating party shall apply in writing and the application must be approved by the fire chief or his designated representative prior to the acceptance of any donations. The application shall include at least the following information:

- (1) An inventory of items or services to be donated;
- (2) Proof of ownership of tangible items; and
- (3) For services, proof of insurance for corporate entities and release of liability for individuals.

(e) Valuation of donations for purposes of any applicable tax benefits shall be the responsibility of the donating party.

(Ord. No. 02-976, § 2, 10-30-02)

**Secs. 34-63—34-125. Reserved.**

#### **ARTICLE IV. NEWS MEDIA IDENTIFICATION**

##### **Sec. 34-126. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Emergency*: A sudden unexpected or unscheduled happening that calls for immediate action.
- (2) *Official municipal line*: A discretionary designation by the official in charge in municipal facilities and at municipal events and functions beyond which the general public may not pass. This generally but not exclusively applies to the media facilities in the police department, fire depart-

ment, and city hall as well as to public events necessitating the presence of the mayor or other public officials.

- (3) *Personal card*: A news media identification card issued pursuant to the provisions of this article.
- (4) *Police or fire line*: A discretionary designation by the official in charge at a police or fire emergency scene beyond which the general public is restrained.
- (5) *Print and electronic media*: Includes newspapers, news-gathering agencies, news photography agencies, motion pictures news-reel agencies, radio broadcasting companies, television companies, and any other medium which is engaged in the gathering and reporting of news events which are issued or presented at regular intervals to the general public or regularly distributed to other news media.
- (6) *Regularly*: Occurring at fixed or uniform intervals.
- (7) *Routinely*: A regular course of action, i.e., an activity engaged in daily or with reasonable frequency.
- (8) *Unauthorized person*: A person who is not a holder of a news media identification card or news media vehicle card or who is not an official or employee of the city with a duty to respond to official scenes or events.
- (9) *Vehicle card*: A news media vehicle identification card issued pursuant to the provisions of this article.

(Code 1968, § 2-311; Ord. No. 78-1630, § 1, 8-15-78)

##### **Sec. 34-127. Authority of chief of police to issue news media identification cards; to whom issued.**

The chief of police is hereby authorized to issue news media identification cards (hereinafter referred to as a "personal card") and news media vehicle identification cards (hereinafter referred to as a "vehicle card") to news-gathering representatives of electronic and print media organizations that maintain a news service which regu-

larly covers police, fire and other official municipal events within the City of Houston. Print media qualify if the publication appears on a regular basis. Such cards may also be issued to a self-employed reporter or photographer who routinely covers police, fire, and official municipal events. The representative or the self-employed reporter or photographer shall be principally, actively, and routinely employed, by a news media organization qualified under this article, to gather information or pictures for distribution or broadcast to the general public as news. The exclusive purpose of the personal and vehicle cards shall be to enable the bearer thereof to pass through established police, fire and official municipal lines in order to cover news events occurring behind such lines or to utilize the press facilities located in city hall, the Houston Police Department, or the Houston Fire Department.

(Code 1968, § 2-312; Ord. No. 78-1630, § 2, 8-15-78; Ord. No. 84-790, § 1, 5-22-84)

**Sec. 34-128. Application for personal card and vehicle card; form, contents.**

A written application for a personal card and vehicle card shall be submitted by the individual employee to the chief of police on a form to be provided by the chief of police. An applicant shall be required to furnish at least the following information:

- (a) The name, residence address and residence telephone number of the applicant.
- (b) The age, weight, height, color of hair and color of eyes of the applicant.
- (c) The date of the application.
- (d) The date and place of birth of the applicant.
- (e) The name, address, and telephone number of the applicant's employer and the name and telephone number of the applicant's supervisor.
- (f) The social security number of applicant.
- (g) The signature of the editor and/or responsible official of the company verifying the employment of the applicant, the primary duties and responsibilities of the applicant.
- (h) The signature of the applicant reflecting that he understands and agrees to the following stipulations as a news media identification card holder (with or without a vehicle card):
  - (1) He assumes all risks of accidents or injury which might accompany its use.
  - (2) Neither the personal card nor the vehicle card is transferable.
  - (3) If the card is presented or used by any person other than the one to whom it is issued, it shall be forfeited forthwith without appeal.
  - (4) He understands that the right to remain within the designated line at the scene of an emergency is subject to the judgment of the official at the scene.
  - (5) He shall not allow or use any facsimile or other copy of said cards.
  - (6) Temporary emergency parking is a privilege authorized by the city council to facilitate public awareness. It does not grant blanket permission to violate parking laws when legal parking is reasonably accessible or when the news assignment is not an emergency as defined in section 34-131.
- (i) All applicants requesting a vehicle card shall submit additional information concerning the make and model of the vehicle most likely to be used on assignments, license plate number, and Texas driver's license number.
- (j) The application shall also contain a space for the written approval or disapproval by the chief of police and the reasons therefor.
- (k) A self-employed reporter or photographer shall submit a letter signed by the editor and/or responsible official of the company stating that applicant covers or will cover

police, fire, and official municipal events for the named company. The named company shall meet the criteria of section 34-127.

(Code 1968, § 2-313; Ord. No. 78-1630, § 3, 8-15-78; Ord. No. 84-790, § 2, 5-22-84)

**Sec. 34-129. Cards to be issued for current calendar year; contents of personal card.**

Each personal card or vehicle card shall be issued for the current calendar year. The personal card shall bear upon its face the following:

- (a) The words "City of Houston—News Identification".
- (b) The name of the newspaper, news service radio or television station, or the name of the self-employed reporter or photographer represented.
- (c) A photograph of the holder.
- (d) The right index fingerprint of the holder.
- (e) The signature of the holder.
- (f) The signature of the chief of police.
- (g) The year of issuance imprinted in bold numbers.
- (h) The age, weight, height, color or hair, and color of eyes of the holder.
- (i) The city seal.

(Code 1968, § 2-314; Ord. No. 78-1630, § 4, 8-15-78)

**Sec. 34-130. Personal cardholders to be permitted inside police or fire lines; exceptions; display of personal card.**

(a) Personal news media identification cardholders shall be permitted inside police or fire lines, except where such admission would be dangerous to human life or substantially interfere with police or fire fighting activities. The foregoing determination shall be made by the official in charge of the scene to which the card holder seeks entry. Cardholders may take tape recorders, cameras and other photographic equipment into an area within police or fire lines that has been desig-

nated by the officer in charge. However, the right to remain within the designated line is subject to the judgment of the official at the scene. Possession of a personal card does not in itself authorize access to buildings or private property located within police or fire lines.

(b) Upon entering police or fire lines, the holder of a personal card shall display the card prominently on his person so as to be readily visible to any official at the scene.

(Code 1968, § 2-3156; Ord. No. 78-1630, § 5, 8-15-78; Ord. No. 84-790, § 3, 5-22-84)

**Sec. 34-131. Contents of vehicle card; vehicle card to issue only to holder of personal card; display of card.**

(a) The vehicle card shall bear upon its face the following:

- (1) The words "City of Houston—News Vehicle Pass Through Police, Fire and Official Lines".
- (2) Name of the news-gathering representative and employer news service.
- (3) Signature of the chief of police.
- (4) Expiration date.
- (5) The distinct number of the pass.

(b) News media vehicle identification cards shall be issued only to holders of personal cards. A vehicle card shall be clearly displayed on or through the vehicle windshield and will permit temporary emergency parking of the vehicle at police, fire and official municipal scenes in the city while the cardholder is actually engaged in gathering news or news photographs at or near the location at which such news event is happening and photographs are being taken. This privilege shall not be operative when the parking of a vehicle, in the sound discretion of the senior official present, would be dangerous to human life, obstruct traffic or interfere with the duties of any governmental agency or public utilities corporation at the scene of an emergency.

(Code 1968, § 2-316; Ord. No. 78-1630, § 6, 8-15-78)

**Sec. 34-132. Issuance, duration of temporary cards.**

Temporary cards, the duration of which shall last no more than one month, may be issued to news media representatives who do not qualify under section 34-127 hereof. Such card may be issued at the discretion of the fire chief, police chief, or mayor or their respective designates. (Code 1968, § 2-317; Ord. No. 78-1630, § 7, 8-15-78)

**Sec. 34-133. Denial of application for cards; grounds for revocation of cards.**

(a) An application may be denied by the chief of police for refusal or inability to comply with sections 34-127 and 34-128 herein.

(b) A personal card and/or a vehicle card may be revoked by the chief of police for the following reasons: The holder thereof has resisted officers in the discharge of their duties, delayed or obstructed officers conducting an investigation, has interfered with firemen at a fire, endangered the preservation of public order and safety where police, fire or official municipal lines have been established, or no longer meets the qualifications necessary for the issuance of a card. (Code 1968, § 2-318; Ord. No. 78-1639, § 8, 8-15-78)

**Sec. 34-134. Unauthorized person not to cross police, fire or official municipal lines; counterfeiting, imitating press cards prohibited; card to be used only by person to whom issued; surrender of card upon revocation.**

(a) It shall be unlawful for any unauthorized person to cross police, fire or official municipal lines. Any person violating this subsection, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00.

(b) It shall be unlawful for any person to counterfeit or imitate or attempt to counterfeit or imitate any such press card so issued by the chief of police; nor shall any person use or exhibit, or attempt to use or exhibit, any such press card unless he is the actual authorized holder. Any

person violating any of the provisions of this subsection, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00.

(c) Upon revocation of a personal card and/or vehicle card the same shall be surrendered to the police chief within three days after notice of revocation of such card. Any person who fails to do so shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$500.00.

(Code 1968, § 2-319; Ord. No. 78-1630, § 9, 8-15-78; Ord. No. 92-1449, § 50, 11-4-92)

**Sec. 34-135. Appeals board created; composition; appeal from denial or revocation of cards.**

There is herein created an appeals board which shall upon application by the person affected promptly review the reasons for denial of an original or renewal application or for the revocation of a news media identification card and/or news media vehicle card and shall issue a decision either affirming or overruling the denial. The appeals board shall be composed of three members to include the director of communications from the office of the mayor, the director of public information from the police department, and the

director of public relations from the fire department. The holder of said news media card has a right to file a written appeal within seven (7) days from the denial of his/her application or revocation of his/her news media card contesting the decision by serving such a request on the director of communications in the office of the mayor. Upon the filing of such appeal, the board has twenty-one (21) days to issue a written decision either granting or denying the appeal, a copy of which shall be forwarded by certified United States mail, return receipt requested, to the applicant or holder.

(Code 1968, § 2-320; Ord. No. 78-1630, § 10, 8-15-78)

#### **Sec. 34-136. Renewal of cards.**

Between January 1st and January 30th inclusive of each calendar year, all news-gathering representatives shall submit a renewal form with updated information for his or her personal and vehicle card which form shall also verify the person's employment as a news-gathering representative and reaffirm that such person is then still in compliance with sections 34-127 and 34-128 above. Such renewal forms shall be supplied by the division of public information in the police department.

(Code 1968, § 2-321; Ord. No. 78-1630, § 11, 8-15-78)

#### **Sec. 34-137. Notification of residence address change; return of card upon termination of employment or change in job duties; report of loss or theft of card.**

(a) Each person to whom a card has been issued shall, within five (5) days, notify the board in writing as to each change of his or her residence address.

(b) The holder of a card who has terminated his employment with the employer listed in his application or who no longer covers, on a regular or on-call basis, news events at which police and/or fire lines are established or where press facilities are utilized, shall return such card to the police chief within ten (10) days of such occurrence. A new application shall be submitted as hereinabove described before such person may subsequently be reissued a card.

Supp. No. 1

(c) The holder of a personal card and/or vehicle card shall immediately report the loss or theft of the card to the police chief. This loss shall be reported by letter giving the circumstances concerning the loss or theft thereof. When a duplicate card is required a written request shall accompany an affidavit of the loss.

(Code 1968, § 2-322; Ord. No. 78-1630, § 12, 8-15-78)

#### **Sec. 34-138. Promulgation of rules, regulations to implement article provisions.**

The chief of police is hereby authorized to promulgate and issue such rules and regulations as many as be necessary and proper to implement the provisions of this article.

(Code 1968, § 2-323; Ord. No. 78-1630, § 13, 8-15-78)

**Secs. 34-139—34-150. Reserved.**

### **ARTICLE V. SUBDIVISION SECURITY ORGANIZATIONS**

#### **Sec. 34-151. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Chief of police* shall mean the chief of police of the city, or his duly designated representative.
- (2) *Department* shall mean the city's police department.
- (3) *Subdivision security organization or Organization* shall mean a non-profit corporation, organization, or association organized by and maintained for the sole benefit of property owners within the residential subdivision organizing same, which provides or causes to be provided security and guard services within such subdivision located within the city.

(Code 1968, § 34-131; Ord. No. 81-2514, § 1, 12-22-81)

#### **Sec. 34-152. Qualifications.**

To be qualified under this article, an organization shall comply with the following requirements: